

MINUTES

REAL ESTATE APPRAISER LICENSURE AND CERTIFICATION BOARD

Thursday, September 10, 2009

Mr. Traynor called the meeting to order at 9:00 a.m. in Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum, in accordance with IC § 25-34.1-8-4.

Members Present:

Joe Traynor, Chairman
Wayne Johnson, Vice Chairman
Terry Watson, Appraiser Member
John Newlin, Appraiser Member
Lowell K. Griffin, Appraiser Member
Liz Stoll, Lender Member

Members Absent:

James Lewis, Consumer Member

State Officials Present:

Nicholas Rhoad, Director Indiana Real Estate Commission
Stephanie Sims, Litigation Specialist
Jim Schmidt, Deputy Attorney General

I. CHAIRMAN'S REPORT

Mr. Traynor delivered a detailed report on the current activities of the Board, the AQB, the ASB, and the ASC

II. REPORT FROM THE INDIANA ATTORNEY GENERAL'S OFFICE

III. OLD/NEW BUSINESS

- A.** Request for advisory opinion concerning 1. USPAP; 2. Licensing Requirements; 3. Jurisdictional Exception.

The Board discussed the above item, but did not take any action on the matter.

- B.** AMC Discussion
The REAB discussed Appraisal Management Companies

- C.** ASC Update
Mr. Rhoad provided an update to the REAB concerning their compliance with the ASC and advised that everything is in compliance.

- D.** CE Issue update
Mr. Rhoad provided an update that all appropriate information has been conveyed to the ASC concerning the licensees in question of the CE / AQB-noncompliance audit.

- E.** CE Monitoring
The Board discussed the importance of automated CE monitoring and requested that potential vendors attend a REAB meeting to discuss their possible solutions to CE monitoring

- F.** Legislative Update
Mr. Rhoad provided a legislative update

- G.** Probation monitoring contract
No action was taken on this item

- H. Exam contract
Mr. Rhoad informed the REAB that Pearson VUE has been awarded the examination contract
- I. Mortgage Fraud Taskforce
Mr. Rhoad provided an update on the Mortgage Fraud taskforce's activities. It appears that the database to record all licensees involved in a real estate transaction will be operational in order to meet the legislative deadline of 1/1/2010.
- J. Letter from Nick G. Strimmenos regarding experience credit timeline
The REAB began considering whether or not to amend their rules to allow experience beyond 60 months for licensure. The REAB asked for staff to inquire with the ASC if there are any time restrictions.
- K. Recommendation to the Indiana Real Estate Commission regarding approval of LSA #08-692
A motion was made and seconded to recommend to the Indiana Real Estate Commission approval of LSA #08-692
Griffin / Watson
Motion Carried 6-0-0
- L. Single Licensure
Mr. Rhoad updated the REAB on the Single Licensure Committee created by the Real Estate Commission. The REAB wants to make sure the IREC understands that under single licensure if a licensee conducts appraisals, they must follow USPAP and also take the USPAP courses.
- M. Fingerprint Rule
No action was taken on this item
- N. Attendance at closing
No action was taken on this item.
- O. Reciprocal Applications
A motion was made and second to allow Indiana resident's to apply via reciprocity
Griffin / Johnson
Motion Carried 6-0-0
- P. Reactivation of License

Jacques Maynard
A motion was made and seconded to reactivate the above license
Watson / Johnson
Motion Carried 6-0-0

Michael Martin
A motion was made and seconded to reactivate the above license
Watson / Johnson
Motion Carried 6-0-0

IV. STATUS OF LICENSEES ON PROBATION

- A. Report from Staff regarding licensees on probation

B. Licensees in non-compliance with final order

1. State of Indiana v. Seth Deaton

Re: REAB 06-72

90 CE hrs. – 6 months

Final Order dated 07/17/07

A motion was made and seconded to issue a Notice of Show Cause

Johnson / Griffin

Motion Carried 6-0-0

2. State of Indiana v. Christopher Barclay

Re: REAB 06-166

30 CE hrs. – 6 months

Final Order dated 12/11/07

A motion was made and seconded to issue a Notice of Show Cause

Johnson / Griffin

Motion Carried 6-0-0

3. State of Indiana v. Gregory Grove

Re: REAB 07-06

15 CE hrs. – 6 months

Final Order dated 04/10/08

A motion was made and seconded to issue a Notice of Show Cause

Johnson / Griffin

Motion Carried 6-0-0

4. State of Indiana v. Christopher Barker

Re: REAB 07-30

30 CE hrs. – 6 months

Final Order dated 10/17/07

A motion was made and seconded to issue a Notice of Show Cause

Johnson / Griffin

Motion Carried 6-0-0

5. State of Indiana v. Terry Banks

Re: REAB 07-61

30 CE hrs. – 6 months

Final Order dated 02/07/08

A motion was made and seconded to issue a Notice of Show Cause

Johnson / Griffin

Motion Carried 6-0-0

6. State of Indiana v. Charles Newkirk

Re: REAB 07-73

15 CE hrs. – 12 months

Final Order dated 01/28/08

A motion was made and seconded to issue a Notice of Show Cause

Johnson / Griffin

Motion Carried 6-0-0

7. State of Indiana v. Hilton Morris

Re: REAB 07-88

15 CE hrs. – 6 months

Final Order dated 02/27/08

A motion was made and seconded to issue a Notice of Show Cause

Johnson / Griffin

Motion Carried 6-0-0

8. State of Indiana v. Lisa Phillips

Re: REAB 08-07

30 CE hrs. – 6 months

Final Order dated 05/19/08

A motion was made and seconded to issue a Notice of Show Cause
Johnson / Griffin

Motion Carried 6-0-0

9. State of Indiana v. Bryan Water

Re: REAB 08-13

37 CE hrs. – 6 months

Final Order dated 06/26/08

A motion was made and seconded to issue a Notice of Show Cause
Johnson / Griffin

Motion Carried 6-0-0

V. REPORT FROM Ms Stoll

Re: PERSONAL APPEARANCE FOR LICENSEE ON PROBATION

A. State of Indiana v. Michael Nikirk

REAB 07-70

Re: Final Order stipulates respondent appear before the Board every 90 days

Ms. Stoll visited with Mr. Nikirk and advised that he is in compliance with the terms of his probation. She also advised that personal appearances are no longer needed as long as they continue to submit the reports required and specified in their Final Order.

B. State of Indiana v. Dan Wait

REAB 08-22

Re: Final Order stipulates respondent appear before the Board every 90 days

Ms. Stoll visited with Mr. Wait and advised that he is in compliance with the terms of his probation. She also advised that personal appearances are no longer needed as long as they continue to submit the reports required and specified in their Final Order.

VI. DELIBERATIONS AND POSSIBLE ISSUANCES OF FINAL ORDER

A. State of Indiana v. Ja'Neane Minor

REAB 06-145

Re: Proposed Findings of Fact, Conclusions of Law and Order

No action was taken on this matter

B. State of Indiana v. Carolyn Blaney

REAB 06-155

Re: Proposed Findings of Fact, Conclusions of Law and Order

A motion was made and seconded to approve the Proposed Findings of Fact, Conclusions of Law and Order

Motion Carried 5-0-1

C. State of Indiana v. Christopher Bernard

REAB 08-23

Re: Proposed Findings of Fact, Conclusions of Law and Order

A motion was made and seconded to approve the Proposed Findings of Fact, Conclusions of Law and Order

Motion Carried 5-0-1

D. State of Indiana v. Paul Lamberg

REAB 08-34

Re: Proposed Findings of Fact, Conclusions of Law and Order

A motion was made and seconded to approve the Proposed Findings of Fact, Conclusions of Law and Order

Motion Carried 5-0-1

E. State of Indiana v. Christopher Willis

REAB 09-04

Re: Proposed Findings of Fact, Conclusions of Law and Order

A motion was made and seconded to approve the Proposed Findings of Fact, Conclusions of Law and Order

Motion Carried 5-0-1

F. State of Indiana v. Nicholas Sauter

REAB 09-15

Re: Proposed Findings of Fact, Conclusions of Law and Order

A motion was made and seconded to approve the Proposed Findings of Fact, Conclusions of Law and Order

Motion Carried 5-0-1

G. State of Indiana v. David Sauter

REAB 09-16

Re: Proposed Findings of Fact, Conclusions of Law and Order

A motion was made and seconded to approve the Proposed Findings of Fact, Conclusions of Law and Order

Motion Carried 5-0-1

H. State of Indiana v. Vincent Shimp

REAB 09-37

Re: Proposed Findings of Fact, Conclusions of Law and Order

A motion was made and seconded to approve the Proposed Findings of Fact, Conclusions of Law and Order

Motion Carried 5-0-1

I. State of Indiana v. Patrick Bergerson

REAB 09-11

Re: Proposed Findings of Fact, Conclusions of Law and Order

A motion was made and seconded to approve the Proposed Findings of Fact, Conclusions of Law and Order

Motion Carried 5-0-1

VII. ADMINISTRATIVE LAW JUDGE ORDER FOR DELIBERATIONS AND POSSIBLE ISSUANCES OF FINAL ORDER

A. State of Indiana v. Jeffrey Pierce

REAB 06-119

Re: Administrative Law Judge Order

A motion was made and seconded to approve the Administrative Law Judge Order.

Motion Carried 6-0-0

B. State of Indiana v. Jenny Winebrenner

REAB 08-17

Re: Administrative Law Judge Order

A motion was made and seconded to approve the Administrative Law Judge Order.

Motion Carried 6-0-0

VIII. CONSIDERATION TO VOLUNTARY DISMISSAL

A. State of Indiana v. Terence L. Fogel

REAB 09-56

Re: Motion for Voluntary Dismissal

A motion was made and seconded to approve the Motion for Voluntary Dismissal
Motion Carried 6-0-0

B. State of Indiana v. Jeffrey Wolfe

REAB 09-12

Re: Motion for Voluntary Dismissal

A motion was made and seconded to approve the Motion for Voluntary Dismissal
Motion Carried 6-0-0

IX. DEFAULT HEARINGS

A. State of Indiana v. Albert W. Young Jr.

REAB 08-11

Re: Possible Issuance of Default and Final Order

A motion was made and seconded to find the respondent in default; permanently revoke their license; impose costs; and civil penalties paid within 12 months.

Motion Carried 6-0-0

B. State of Indiana v. Barry Bulger

REAB 09-07

Re: Possible Issuance of Default and Final Order

A motion was made and seconded to find the respondent in default; suspend their license; and impose costs.

Motion Carried 6-0-0

C. State of Indiana v. Harry Wyman

REAB 09-23

Re: Possible Issuance of Default and Final Order

A motion was made and seconded to place Mr. Wyman's license on Probation.
Motion carried 5-0-1
Ms. Stoll abstained

D. State of Indiana v. Patrick Angerer

REAB 09-27

Re: Possible Issuance of Default and Final Order

A motion was made and seconded to find the respondent in default and revoke their license.
Motion Carried 6-0-0.

X. DISCIPLINARY HEARINGS (All hearings in this section begin at 1:00)

A. State of Indiana v. Sandra McFarland

REAB 09-14

Re: Disciplinary Hearing

A motion was made and seconded to issue a Notice of Proposed Default
Motion Carried 6-0-0

B. State of Indiana v. Dwight Johnson

REAB 09-31

Re: Disciplinary Hearing

A motion was made and seconded to issue a Notice of Proposed Default
Motion Carried 6-0-0

C. State of Indiana v. Jay Johnson

REAB 09-40

Re: Disciplinary Hearing

A motion was made and seconded to issue a Notice of Proposed Default
Motion Carried 6-0-0

K. State of Indiana v. Deborah Sunshine*

REAB 09-10

Re: Disciplinary Hearing

No action was taken due to pending settlement conferences

L. State of Indiana v. Catherine Grealis*

REAB 09-17

Re: Disciplinary Hearings

No action was taken due to pending settlement conferences

M. State of Indiana v. Gary Nunley*

REAB 09-18

Re: Disciplinary Hearings

No action was taken due to pending settlement conferences

XI. APPLICATION REVIEW

A. Certified Residential Applications

1. James Frisby
2. Jered Moore
3. John Wagner **
4. Brian Sanders
5. J. Zack Johns **
6. Kelly Kramer **
7. Anthony Akins **
8. James Merritt
9. Carol Keehn
10. Paul Behringer
11. Howard Joe Peery
12. Joel Buzzard

B. Certified General Applications

1. David Hall **

C. Trainee Applications

1. Joseph Gault

D. EDUCATION REVIEW

1. Allterra Group, Inc.

a. 2009 Regulatory Updates/ Re-Engineering the Appraisal Process 7.0 hours

Instructors:

- i. James Park
- ii. David Hundrieser
- iii. Donald Kelly
- iv. Kelly Davids
- v. Lewis J. Allen
- vi. Rachel Dollar
- vii. Guillermo Gower

2. 2009 Keynote/Valuation Visionaries 7.0 hours

Instructors:

- i. Sue Potteiger
- ii. Pete Gillispie
- iii. Mark Johnson
- iv. Bill Rayburn
- v. George Opelka
- vi. Charles Mureddu

3. American Society of Farm Mangers and Rural Appraisers

Cost Approach Applications 7.0 hours

Instructor: Mark Lewis

4. McKissock

Current Issues in Appraising 7.0 hours

Instructor: Tracey Martin

5. Education Resource, LLC

CE1084 Residential Case Studies IV Highest and Best Use Analysis 4.0 hours

Joseph A. Traynor, Chairman

Date